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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,090	07/10/1998	KIA SILVERBROOK	ART34-US	7669

7590 05/18/2005

KIA SILVERBROOK  
SILVERBROOK RESEARCH PTY  
393 DARLING ST  
BALMAIN, 2040  
AUSTRALIA

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/113,090

Applicant(s)

SILVERBROOK ET AL.

Examiner

LUONG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on 02/25/2005 have been fully considered but they are not persuasive.

In page 5, Applicants argue that claim 6 has been revised to include the feature of linear image sensor for sensing data provided on optically encoded cards. A basis for this can be found for example on page 43 of the specification which discusses the Dotcard and Artcam technologies and in particular, in the crossed referenced US Patents and Patent Applications, such as US Patent US-6,431,669.

The attempt to incorporate subject matter into this application by reference to US Patent No. 6,431,669 is improper because the US Patent No. 6,431,669 is not incorporated by reference in the disclosure of this application.

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It should be noted that page 43 of the specification of this application (filed on 07/10/1998) does not show the discussion of Dotcard and Artcam technologies as stated by the Applicants. Instead, page 43 only discloses the recited claims of this application.

It should be noted that pages 41-42 of this application discloses the number of Australian provisional patent specifications incorporated by cross-reference, which described Artcam Technologies as stated by the Applicants. The Applicants imply that the newly added feature in claim 6 and newly added claims 9-20 are supported by these Australian provisional patent specifications. However, the Applicants do not point out a specific Australian provision patent specification, which discloses the newly added feature in claim 6 and newly added claims 9-20. Since the Applicants submit that the newly added feature in claim 6 and newly added claims 9-20 are not described by the cited prior art, the Applicants imply these features are "essential material." However, the essential material may not be incorporated by reference to (1) patents or applications published by foreign countries or (2) a foreign application. See MPEP § 608.01(p).

### ***Claim Objections***

3. Claims 9, 13, 16-18, 20 are objected to because of the following informalities:

Claim 9 (line 2), claim 13 (line 2), "the encoded card" should be changed to --the encoded cards--.

Claim 16 (line 2), "the card" should changed to --a card--.

Claim 16 (line 4), "the bit image" should be changed to --a bit image--.

Claim 17 (line 1), claim 18 (line 1), claim 20 (line 1), "the encoded card" should be changed to --each encoded card--.

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Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 6 (line 7-9), recites the newly added limitation “a linear image sensor for sensing data provided on optically encoded cards inserted into the camera system, the encoded cards containing instructions for the manipulation of the blurred images.” There is no disclosure to support for this feature in the specification.

There is no disclosure to support for the features as claimed in newly added claims 9-20.

Claims 7-20 are rejected as being dependent on claim 6.

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***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
05/14/05



**LUONG T. NGUYEN  
PATENT EXAMINER**